

AMENDMENTS TO THE DRAWINGS

The attached sheet includes changes to Fig. 8a. This sheet replaces the original sheet. The original sheet had reference numbers 111 and 112 on the figure and these reference numerals are pointing to the wrong elements and have been removed. Reference number 110 is pointing to the wrong element and has been corrected to point to the correct element. Similarly, reference number 115 was pointing to the wrong area of an element and has been corrected to refer to the correct area of the element.

Attachment: Replacement Sheet(s)
Annotated Sheet(s) Showing Changes

REMARKS/ARGUMENTS

The Examiner is requested to approve the accompanying replacement drawing. The changes to the drawing are to remove reference numbers and correct the placement of other reference numbers. The original sheet had reference numbers 111 and 112 on FIG. 8 and these reference numbers are pointing to the wrong elements and have been removed. Reference number 110 is pointing to the wrong element and has been corrected to point to the correct element. Similarly, reference number 115 was pointing to the wrong area of an element and has been corrected to refer to the correct area of the element.

The Office Action and cited references have been carefully reviewed. Claim 14 has been rejected. Claims 1-13 and 15-20 are allowed. In this response, the dependency of claims 15-20 has been changed to depend from claim 14. It is assumed that claims 15-20 may no longer be allowed pending the Examiner's review of this response. Reconsideration of claim 14 and indication of the allowance thereof are respectfully solicited.

Claim Objections

Claims 1 and 14 have been rejected because of the informality of "the base" should be -- the base member --. Claims 1 and 14 have been amended to correct this informality. This amendment does not change the scope of the claims. It is respectfully requested that this objection be removed.

35 U.S.C. §102 Rejections

The Examiner has rejected claim 14 under 35 U.S.C. §102(b) as being anticipated by Christensson (U.S. Patent Application No. 5,219,087). This ground of rejection is respectfully traversed. Reconsideration of this rejection in view of the following comments is respectfully solicited.

It is axiomatic in the patent law that to reject a claim under 35 U.S.C. §102, each and every limitation must be found, expressly or inherently, in a single reference and arranged as required by the claims such that the reference discloses the identical invention. *See* MPEP § 2131.

It is respectfully submitted that Christensson does not disclose, explicitly or inherently, the invention claimed by claim 14 and therefore cannot anticipate this claim because it fails to teach each and every limitation required by the claim as is required by 35 U.S.C. §102 and explained below.

Claim 14 requires, *inter alia*, a flap joined to the base member at a hinge line along one edge of the base, the flap being positioned to close the dispensing opening, and when closed, having a front edge which is opposite to and parallel to the hinge line. The Examiner

is directed to Figs. 1-4 of the present application where it can be seen that each flap 23, 24, 25 is joined to the base member 50 at a hinge line 81 (see Fig. 4 of the present application). It can be seen that the hinge line 81 runs along the raised portion 80 and is formed by holding spaced sections of plastic along the junction between the raised portion 80 and the flaps.

The Office Action states that Christensson discloses in figures 7 and 8, a closure comprising a base member 3, a flap joined to the base at a hinge line, a tear strip 8' formed on an edge of the base member opposite the hinge line and connected to the base member by a frangible web 10', the tear strip hinging about the frangible web to a position the front edge of the flap, and at least one plastic weld 24 for connecting the overlying edge of the tear strip to the flap to provide a tamper evident feature. The Applicant respectfully disagrees.

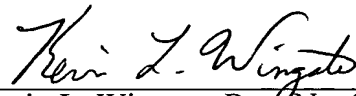
Christenson '087 specifically teaches that element 4 is a cover element and not a flap. The cover element 4 is pivotally connected to frame element 3 via one or several hinges 5. *See* Christensson '087 at col. 5, lines 3-8. As can be seen in Figs. 2, 11, and 12 of Christensson '087, the hinges 5 do not form a hinge line. Instead, the hinges 5 are distinctly separate elements that connect each cover 4 to frame 3. No teaching or suggestion could be found in Christensson '087 of a flap being joined to the base member at a hinge line as required by claim 14.

Therefore, in view of the foregoing, Christensson '087 does not teach or suggest all of the elements of claim 14. It is therefore respectfully submitted that the Office Action has not made a *prima facie* case of anticipation. Claims 15-20 depend from claim 14 and are believed patentable for the reasons set forth above.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Kevin L. Wingate, Reg. No. 38,662
LEYDIG, VOIT & MAYER, LTD.
6815 Weaver Road
Suite 300
Rockford, Illinois 61114-8018
(815) 963-7661 (telephone)
(815) 963-7664 (facsimile)

Date: April 22, 2005



ANNOTATED SHEET

